

April 18, 2018

To Michigan Competitiveness Committee

Rep. Lee Chatfield, Chair

Re: SB 652-654

Dear Committee representatives and legislators:

I write to you as a Michigan resident who has lived for the past 26 years in our most highly concentrated industrial area in southwest Detroit. Our area provides much of the industrial capacity and output that benefit all of Michigan and well beyond. But Wayne County and our community bear the greatest burdens from the industrial by-products – pollution which comes in many forms, affecting our air, water, and land.

I am very attached to Michigan, to its incredible bounty of natural resources which I have enjoyed my entire life, and to our people.

This package of bills aims to give polluting industries more power to override environmental permit decisions of the MDEQ which aim to protect our health and environment. As someone directly affected by such decisions, I urge that you do not take these backward steps.

We know much more now about public health impacts from industrial pollutants than when protections were created. Rather than under-cutting protection processes, we should be urging industry to be more future-oriented by transitioning to less-polluting processes, so that Michigan and our people will all benefit for a cleaner, more sustainable state. That would truly improve competitiveness, our land, and health – as industries around the world are seeking to be cleaner and Michigan should make that the priority.

In the long run, all of Michigan's natural resources and public health are at stake if we erode protections in place today.

Industries already enjoy expansive voice and influence that individual residents do not have. These bills would create a hand-picked committee that will vastly over-represent industry interests and slash protections. We should not elevate corporate interests above people's health, and Michigan's natural health. Michigan residents must be guaranteed the essential and best-practice protections for public health, and not decision-making that is best for industries alone.

In Wayne County, Downriver, and in my southwest Detroit community, we have the most at stake with these proposals. We already sacrifice the most with our daily public health. I urge you before making any decision that would impact the many thousands of families in our communities, that you seek to tour our area with us and better understand what we endure that other Michigan communities do not.

Other Michigan communities will never have to deal with our pollution. We already have three times the rate of asthma than the rest of Michigan. We need public health protections to remain in place and with fully democratic and accountable processes.

I urge you to focus on improving accountability for sustainable choices by Michigan industries that would be good for Michigan and our residents' health, and not to undercut the public process of the MDEQ that seeks to protect our health.

Sincerely,

Simone Sagovac
1506 Hubbard St.
Detroit, MI 48209

Sondra Gordon

From: Anne Honhart <ahonhart@atlaswelding.com>
Sent: Tuesday, April 17, 2018 1:57 PM
To: Rep. Lee Chatfield (District 107); Rep. Jim Lilly (District 89); Rep. Triston Cole (District 105); Rep. Hank Vaupel (District 47); Rep. Daire Rendon (District 103); Rep. Jason Wentworth (District 97); Rep. Erika Geiss (District 12); Rep. Abdullah Hammoud (District 15); Rep. Tenisha Yancey (District 1); Sondra Gordon
Cc: House Clerk
Subject: House Bills 5331 and 5332

April 17, 2018

Dear Michigan Competitiveness Committee and Committee Clerk Sondra Gordon,

I am very concerned about what I have read about House Bills 5331 and 5332. How can rules and regulations for protecting the public and the environment be determined basically by the very industries that are most likely to pollute the environment and affect the health of the public? This does not seem wise, prudent or fair. If we are to compete with other states, make this state healthy – that will attract businesses. Pollution and poor health does not.

House Bills 5331 / Senate Bills 652 is like the asking "The Fox to Guard the Hen House" because the committee put in charge of overseeing the DEQ would be stacked with the very industries they are supposed to be regulating, making the DEQ a toothless agency, unable to protect Michigan's families and natural resources from industries who benefit from lax environmental rules. The 11 person "Environmental Rules Review Committee" would consist of: Officials from industrial agriculture, energy companies, the oil and gas industry, solid waste management groups, manufacturing, business, and the chief executive officer of the Michigan Economic Development Corp, as well as **one** medical professional, **one** member representing an environmental organization, **one** member representing a land conservancy group, **one** local government **and only ONE member representing the public.**

House Bills 5332 / Senate Bills 653 will results in permit applicants being the only people who may appeal decisions to the board, not ordinary citizens or others impacted by permit decisions. This is also like the fox guarding the hen-house where corporate polluters are the ones regulating their own permits. The 15 person "Permit Appeals Panel" would also be heavily stacked in favor of industry and heavy polluters.

Taken together, these bills would make the DEQ vulnerable to more environmental catastrophes like the Flint water crisis and the toxic air pollution in Wayne County.

Please do not allow House Bills 5331 or 5332 to move forward in the Michigan House of Representatives. Thank you.

Sincerely,

Anne Honhart 197 E. Frank Street, Birmingham, MI 48009

April 18, 2018

To: Honorable Members of the House Michigan Competitiveness Committee

Re: Support for SB 652-654 (DEQ Transparency and Accountability)

On behalf of Michigan's agricultural industry, we urge your support for SB 652-654. The bills will provide for increased transparency and accountability from the Michigan Department of Environmental Quality (DEQ).

Michigan's food and agriculture industry contributes more than \$101.4 billion annually to the economy and accounts for approximately 1 million jobs. We are the second most diverse state in the country for the types of commodities grown.

Michigan farmers are stewards of the land and water, working every day to ensure we leave things better for the next generation. Michigan farmers have been leaders in environmental programs across the country, leading efforts such as the Michigan Agriculture Environmental Assurance Program (MAEAP) and implementation of the 4R program, as well as Farm Bill conservation programs. Each of these programs rely on cooperation and coordination with local, state and federal partners.

We believe Michigan's regulatory structure must foster economic growth by providing policy makers with a clear understanding of the impact of regulations on business before they vote to support new or more stringent regulations. We also believe regulatory agencies should maintain constitutional roles and reasonable environmental protection based on statute, rule, and science.

Therefore, we support SB 652-654 as they would:

SB 652 - Environmental Rules Committee – Amend Administrative Procedures Act to provide an authoritative body to review, amend, deny and approve DEQ rule promulgation. This is based on a similar law that has operated in Indiana since 1996.

SB 653 - Environmental Permit Appeals Panel – Amend NREPA to develop an appeals board that would, upon request, serve as a scientific permit review panel. This panel could hear an appeal by a permit applicant that has been denied by the DEQ.

SB 654 - Environmental Science Advisory Board – Codify into NREPA the reestablishment of a body to hear scientific environmental evidence and provide recommendation on that evidence to the Governor. Michigan had operated an environmental science advisory board since the 1990s, but it was abolished in 2007 by Executive Order.

It is vital that the agriculture industry continue to have transparency and accountability of our state's environmental laws to make sound and informed decisions.

Again, we urge your support for SB 652-654.

Sincerely,

Carl Bednarski, President
Michigan Farm Bureau

Dave Armstrong, President & CEO
GreenStone Farm Credit Services

Amy Frankmann, Executive Director
Michigan Nursery & Landscape Association

Ray Van Driessche, Director of Gov't Relations
Michigan Sugar Company

Greg Bird, Executive Director
Michigan Vegetable Council

Dawn Drake, General Manager
Michigan Processing Apple Growers

David Williams, President
Michigan Soybean Association

Diane Smith, Executive Director
Michigan Apple Association

Mike Wenkel, Executive Director
Potato Growers of Michigan, Inc.

Maury Kaercher, Executive Director
Michigan Sheep Producers Association

Jim Zook, Executive Director
Michigan Corn Growers Association

Val Vail-Shirey, Executive Director
Michigan Greenhouse Growers Council

Mary Kelpinski, CEO
Michigan Pork Producers Association

Val Vail-Shirey
Prairie Water Users Group

Larry Ensfield, CEO
MBG Marketing – The Blueberry People

Chuck Courtade, Director of Customer Relations
Dairy Farmers of America

Ben Smith, Executive Secretary
Michigan State Horticultural Society

Dan Vogler, President
Michigan Aquaculture Association

Carl VanderKolk, President
Michigan Cattlemen's Association

Amy Smart, Executive Director
Michigan Christmas Tree Association

INDIANA'S ENVIRONMENTAL RULEMAKING PROCESS

AN OPINION FROM THE REGULATORY PERSPECTIVE

My name is Nancy King and I am currently the General Counsel for IDEM. I started over 25 years ago in what would become the Office of Legal Counsel's Rules and Legislation section. At the time, there were very few attorneys but it was determined that having legal counsel throughout the process would ensure that rules were written within the requirements of the law and that such oversight would ensure better, more consistent regulations. The process has evolved greatly in the past 25 years but I believe it has evolved for the better to allow for broader input from more people affected by environmental rules, and require more of IDEM in terms of providing justification and information as to the necessity of rulemaking actions. The rules are not the property of the regulated community, nor are they the barrier to economic growth that those unhappy with how a specific rulemaking turns out may have some believe. They are the playbook for the regulators and the regulated and those interested in knowing what is required to be in compliance with environmental laws in the State of Indiana. The rulemaking process is lengthy and, at times, contentious. But in the end it is a process that allows for many voices to be heard and for compromise to be reached. Often we have said after a long, hard rulemaking process that if everyone involved is just a little bit unhappy with the outcome, we probably came to a pretty fair rule. Maybe that's just how we make ourselves feel that we've done the best job we can but maybe that is actually the truth. We all share our environment and we all use it for different things but it belongs to all of us and all of us should have a voice. In the end, the process must work to allow regulations to be put in place that are clear and defensible. I believe the process we have in Indiana does that. Of course we are beholden to state and federal laws that give us limits on the breadth and depth of our rules. But how we implement those mandates--the details--that is where a process that is rigorous, inclusive, and thoughtful can make all the difference. That is how we strive to tame the devil in those details.

One of the tools we use, especially for rulemaking actions that involve big or contentious issues is the "workgroup" process wherein all interested parties are invited to attend the meetings and discussions about the rule, including members of the rules board. Workgroups are not mandated by Indiana law and are used as necessary or if a large number of interested parties request them. In certain cases, the rules board will suggest the formation of a workgroup, either for specific issues within a rulemaking or for the rule as a whole. The workgroup is also an opportunity for board members to really dig into the issues of a rulemaking action and broaden their perspective beyond the constituency they represent on the board. Often the development of a dialog on issues related to

the rulemaking allows all sides to understand the concerns of stakeholders on various sides of the issue, board members included. The agency, which is the driver of the rule development, acts as an arbiter or administrator of the process, insuring that information from the meetings is disseminated or available for inspection by anyone who wishes to see it. This openness builds trust in the process and also buy-in in the final decisions. The downside is that it lengthens and already-lengthy process. However, in the end, while all sides may not agree with every single aspect of a rule, they at least feel as though they have been a part of the process and have been able to provide input into the decisions that lead to the rule that the agency ultimately presents to the board for promulgation.

Though not always easy, having people of differing opinions work together and really LISTEN to one another forges respect and relationships that pay dividends in the long run. This is also true for having a rules board made up of people representing different perspectives on environmental issues. When board members work together and become involved in the process, they gain a larger perspective on the scope of how their work impacts the communities in which they live and work. Getting to know those individuals who share the common goal of developing regulations that are balanced and grounded in a set of common understandings can serve to break through the usual biases and oft-repeated constructs. All members of the regulated community are not trying to "get away with something" and all members of the environmental community are not trying to "stop anyone from doing anything." Not allowing for discourse from all sides of an issue is what creates what can seem to be an insurmountable impasse. There is a balance to be struck between common sense regulation that protects the environment and, consequently, human health, and the ability to allow those regulated to do business. But each side must be willing to listen and be prepared to work together to reach solutions. Entrenchment does not serve progress. Ignoring the views of any interested party does not serve progress. Acknowledging that everyone may be interested for a different reason is not a bad thing. Taking all of those interests into account when crafting regulation is the point of a public process. It is not easy but it is a worthwhile endeavor. Ignoring those of a differing viewpoint does not invalidate that viewpoint, it merely pushes the opportunity for discourse further away. Allowing for all voices to be heard before decisions are made is the point of having broad representation on the board, in the workgroup process and in allowing for public comment. It is my belief that the rules our board votes on belong to all members of the state, and as such, the widest range of interests should be represented at every step in the process.

**Office of Regulatory Reinvention
Environmental Advisory Rules Committee**

Richard Barr
Attorney, Environmental Law Department
Honigman Miller Schwartz and Cohn LLP

David Gustafson
Regulatory Affairs Leader
The Dow Chemical Company

Skiles Boyd
Vice President of Environmental
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Andrew Such
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Director of Environmental and Regulatory
Affairs
Michigan Manufacturers Association

Brian Warner
Director of Environmental Services
Wolverine Power Cooperative

*The ORR would also like to thank David Fiedler, Regulatory Affairs Officer for the Department of Environmental Quality, for his work on behalf of the Committee.